

GAHC040008472023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C) 114/2023

1:Kenben Tachang
S/o Lt. Takar Tachang,
Residing at P Sector Nirjuli, near Central Poultry Farm, Nirjuly I (b), Papum Pare
District, Arunachal Pradesh.

VERSUS

1:Techi Nippu Tara and 4 Ors.
S/o Lt. Techu Dodum,
Village Deb, PO/PS Sagalee, District Papum Pare, Arunachal Pradesh.

2:THE STATE OF AP
Represented by the Secretary
UD and Housing Department
Itanagar.

3:the Chief Engineer
Department of UD and Housing
Itanagar
Govt. of Arunachal Pradesh
Papum Pare District
Arunachal Pradesh.

4:the Deputy Director
UD and Housing
Itanagar
Govt. of Arunachal Pradesh.

5:Hira Jaishi
D/o Lt. Lakshman Jaishi

Resident of Jarku Village
PO/PS Pasighat
East Siang District
Arunachal Pradesh

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : Pritam Taffo

Linked Case : WP(C) 227/2023

1:Techi Nippu Tara
Son of Late Techhi Dodum of Village Deb
PO/PS Sagalee
District Papum Pare
Arunachal Pradesh

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Secretary
UD and Housing Department
Itanagar.

2:The Chief Engineer
Department of UD and Housing

Itanagar
Govt. of Arunachal Pradesh
Papum Pare District
Arunachal Pradesh.

3:The Deputy Director
UD and Housing
Itanagar
Govt. of Arunachal Pradesh.

4:Hira Jaishi
D/o Lt. Lakshman Jaishi

Resident of Jarku Village

PO/PS Pasighat
East Siang District
Arunachal Pradesh.

Advocate for the Petitioner : Uttam Deka
Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 27.06.2023

1. Heard Mr. TT Tara, learned counsel for the petitioner.
2. The present application is filed for impleadement of the applicant as party respondent No. 5 in writ petition being WP(C) 227(AP)/2023.
3. The WP (C) 227(AP)/2023 was preferred by the writ petitioner Techhi Nippu Tara assailing the order of appointment of respondent No. 4 therein i.e. Miss Hira Jaishi to a post of MTS under compassionate ground.
4. The present applicant, namely, Kenben Techang was also recommended by the same committee by minute dated 28.09.2022, however the present applicant Kenben Techang was recommended for appointment on compassionate ground as Draftsman Grade-III based on his technical qualification.
5. On the other hand, Miss Hira Jaishi, whose appointment has been challenged in the connected writ petition was recommended for appointment on compassionate ground as MTS. This court passed an

order in the writ petition dated 16.05.2023 whereby it was provided that any appointment (s) made pursuant to the impugned minute shall be subject to outcome of the writ petition.

6. According to Mr. Tara, learned counsel though there is no clash of interest between the writ petitioner and the present applicant and though the writ petitioner has not challenged appointment of the present applicant, however the authorities are not issuing the appointment order even though due recommendation was made in favour of the present applicant. The authorities are wrongly interpreting the order dated 16.05.2023 treating that all the compassionate appointment recommended in the minute of meeting dated 28.09.2022 has been made subject to outcome of the writ petition.
7. The learned counsel for the writ petitioner submits that they have no grievance against the appointment of the present applicant and therefore said appointment is not challenged.
8. This court is of the considered opinion that the present applicant is not a necessary party for determination of the connected writ petition inasmuch as neither his appointment has been challenged nor the petitioner is having any claim over the post of Draftsman Grade-III.
9. This court is also of the view that this court under its order dated 16.05.2023 has not debarred the authority from going ahead with issuing any appointment order subsequent to the recommendation of the petitioner against the post of Draftsman Grade-III as discussed hereinabove inasmuch as such appointment is not even under challenge in the connected writ petition.

10. In that view of the matter, this court is of the considered opinion that as the order dated 16.05.2023 is clarified, the present applicant is not necessary to be impleaded as party respondent to contest the present writ petition.
11. In the aforesaid term, the present IA stands closed.

JUDGE

Comparing Assistant